

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONALD CURTIS,

Plaintiff,

-against-

**NOTICE OF MOTION FOR
EXPEDITED HEARING**

BRIAN FISCHER, Commissioner, New York State
Department of Correctional Services, JAMES T.
CONWAY, Superintendent, Attica Correctional
Facility, JOHN DOE, Correction Sergeant, K.
HAEFNER, T. BACKUS, M. STACK, P.
CORCORAN, JANE DOE, Correction Officers,
Lieutenant POLAK, Lieutenant DIXON, Acting
Captain BORAWSKI, Hearing Officers, NORMAN
R. BEZIO, Director of Special Housing/Inmate
Disciplinary Programs, THOMAS EAGAN, former
Director, Inmate Grievance Program, ANTHONY J.
ANNUCCI, Executive Deputy Commissioner, and
GEORGE STRUEBEL, Inmate Grievance Program
Supervisor,

Defendants.

Plaintiff, Donald Curtis, by and through his attorney, David H. Frech and Prisoners' Legal Services of New York, pursuant to local rule 7.1, respectfully moves this Court for an expedited hearing for a temporary restraining order and preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, preventing Defendants from punishing Plaintiff for refusing to either cut his dreadlocks or change his religious affiliation to Rastafarian and enjoining Defendants from preventing Plaintiff from practicing Judaism and attending Jewish services.

1. This is a civil rights action brought pursuant to 42 U.S.C. §1983 to redress violations of the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc, and the First and Fourteenth Amendments of the United States Constitution. This action challenges the Defendant's departmental directives, rules, policies, and practices which prevent Plaintiff, a Jewish inmate who has taken the Nazarite vow from attending Jewish services and require that Plaintiff either cut his dreadlocks in violation of his religious beliefs or, if he wants to continue to wear dreadlocks, change his religious affiliation to Rastafarian.

2. An expedited hearing is required because as a result of Plaintiff's refusal to cut his dreadlocks he is presently confined to keeplock, a form of disciplinary confinement, and he is not permitted to attend Jewish religious services.

3. In this action Plaintiff seeks injunctive and declaratory relief, as well as compensatory and punitive damages.

4. This motion is based upon the annexed Affirmation of David H. Frech, Esq.

WHEREFORE, Plaintiff requests that this Court grant an expedited hearing for a temporary restraining order and a preliminary injunction (1) preventing Defendants from punishing Plaintiff for refusing to cut his dreadlocks or refusing to change his religious affiliation to Rastafarian, (2) enjoining Defendants from preventing Plaintiff from practicing Judaism and attending Jewish services.

DATED: December 10, 2008
Buffalo, New York

BY: s/ David H. Frech
DAVID H. FRECH, Esq.,

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